IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11140 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KARIM ALU MOVER

Versus

DIST MAGISTRATE

Appearance:

MS DR KACHHAVAH for Petitioner

MR HH PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/02/2001

ORAL JUDGEMENT

#. The learned counsel for the petitioner raised manifold contentions challenging the order of the District Magistrate, Rajkot dated 18.9.2000 under which the petitioner was ordered to be detained as bootlegger.

The learned counsel for the petitioner contended that there is a delay of more than 4 months in passing of the detention order after the last offence registered against the petitioner. The factual averments in support of this contention has been made in para No.17 of the Special Civil Application. Reply to the Special Civil Application has not been filed by the respondents though the matter was admitted on 20.10.2000 and the factual averments made by the petitioner therein stand uncontroverted. The delay which is there in passing of the order of detention of the petitioner has not been explained by the respondents. Only on this ground this petition deserves to be allowed. The order of detention of the petitioner dated 18.9.2000 is quashed and set aside. The petitioner Karim Alu Mover, the detenu, at present in Sabarmati Central Jail, Ahmedabad, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

(S.K.Keshote, J.)

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